

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2011

MINI JOURNAL

FLOOR REMARKS TO BE INSERTED

**FIFTY-FOURTH DAY
APRIL 25, 2011**

OFFICE OF THE CHIEF CLERK

A handwritten signature in black ink, appearing to be a stylized 'P' or 'H' with a long horizontal stroke extending to the right.

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FIFTY-FOURTH DAY

Monday, April 25, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 11:36 o'clock a.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Carroll and M. Oshiro.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Third Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 656 through 663) were received and announced by the Clerk:

Sen. Com. No. 656, transmitting H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," which was adopted by the Senate on April 21, 2011.

Sen. Com. No. 657, transmitting H.C.R. No. 60, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," which was adopted by the Senate on April 21, 2011.

Sen. Com. No. 658, transmitting H.C.R. No. 286, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO WORK COLLABORATIVELY TO FIND WAYS TO MORE EFFECTIVELY ENFORCE THE STATE'S CIVIL AND CRIMINAL LAWS THAT MAY APPLY TO UNLICENSED CONTRACTORS," which was adopted by the Senate on April 21, 2011.

Sen. Com. No. 659, transmitting H.C.R. No. 309, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND WEEK OF AUGUST OF EVERY YEAR AS "HAWAII STATE ASSISTANCE DOGS WEEK", " which was adopted by the Senate on April 21, 2011.

Sen. Com. No. 660, dated April 21, 2011, informing the House that the Senate has on April 20, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and have moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 590, SD 1, HD 2
S.B. No. 782, SD 2, HD 1
S.B. No. 823, SD 1, HD 1
S.B. No. 883, SD 2, HD 1
S.B. No. 892, SD 2, HD 2
S.B. No. 1288, SD 1, HD 1
S.B. No. 1292, HD 1
S.B. No. 1325, SD 1, HD 1

Sen. Com. No. 661, dated April 21, 2011, informing the House that the President has made the following changes to Senate Conferee assignments for the following bill:

S.B. No. 754, Senator Kim added as conferee.
SD 1, HD 1

Sen. Com. No. 662, dated April 21, 2011, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 1085, Hee, Chair; Kidani, Co-Chair; Shimabukuro
HD 2, SD 2

Sen. Com. No. 663, dated April 21, 2011, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 1154, Solomon, Chair; Galuteria/Kahele/Ige/Kim, Co-Chairs
SD 2, HD 1

S.B. No. 1363, Gabbard, Chair; Fukunaga/Ige/Baker, Co-Chairs;
SD 2, HD 2 English, Kouchi

INTRODUCTIONS

The following introduction was made to the Members of the House:

REMARKS DELIVERED: Rep. Kawakami

At 11:41 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:58 o'clock a.m. with Vice Speaker Manahan presiding.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate and House Bills for Final Reading by consent calendar. (Representatives Cabanilla, Carroll, Ching, Chong and M. Oshiro were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 1 and S.B. No. 98, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 98, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Ward
Rep. Evans
Rep. Souki
Rep. Marumoto
Rep. Ward
Rep. Pine
Rep. Ching

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 98, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CARRIERS," passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives Belatti and Ward voting no, and with Representatives Cabanilla, Carroll and M. Oshiro being excused.

At 12:06 o'clock p.m., the Chair noted that the following bill passed Final Reading:

S.B. No. 98, SD 2, HD 1, CD 1

REPORTS OF STANDING COMMITTEES

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1743), recommending that S.C.R. No. 85, SD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 85, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT RELATING TO GEOTHERMAL RESOURCES," was referred to the Committee on Finance, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1744) recommending that S.C.R. No. 53, SD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 53, SD 1, be adopted, seconded by Representative Evans.

REMARKS DELIVERED: Rep. B. Oshiro
Vice Speaker Manahan
Rep. Ward

TO BE INSERTED: Rep. Ward
(Submit by Thursday, April 28)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 53, SD 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1745) recommending that S.C.R. No. 127, SD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 127, SD 1, be adopted, seconded by Representative Evans.

REMARKS DELIVERED: Rep. B. Oshiro
Vice Speaker Manahan

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 127, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A LEGISLATIVE WORKING GROUP TO EVALUATE AND MAKE RECOMMENDATIONS REGARDING THE POLICIES AND PROCEDURES OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY AND PREPARATION OF AND AMENDMENTS TO THE STATE HEALTH SERVICES AND FACILITIES PLAN," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1746) recommending that S.C.R. No. 28, SD 2, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 28, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A PROMPT PAYMENT TASK FORCE TO EXAMINE AND RESOLVE ISSUES THAT

PREVENT STATE AGENCIES FROM MAKING PROMPT PAYMENT FOR GOODS AND SERVICES PURCHASED THROUGH NONPROFIT ORGANIZATIONS, PARTICULARLY HUMAN SERVICE NONPROFIT ORGANIZATIONS, THAT DELIVER PIVOTAL GOODS AND SERVICES TO INDIVIDUALS, FAMILIES, AND COMMUNITIES," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1747) recommending that S.C.R. No. 134, SD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 134, SD 1, be adopted, seconded by Representative Evans.

REMARKS DELIVERED: Rep. McKelvey

TO BE INSERTED: Rep. McKelvey
(Submit by Thursday, April 28)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 134, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO INVESTIGATE THE CREATION OF A LOCALLY-FOCUSED, HAWAII-BASED STOCK EXCHANGE," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1748) recommending that S.C.R. No. 159, SD 2, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 159, SD 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO RELEASE PASTORAL AND AGRICULTURAL LEASES TO ITS BENEFICIARIES AND REPORT STATISTICAL DATA RELATED TO IMPLEMENTATION OF ARTICLE XII, SECTION 1 OF THE HAWAII STATE CONSTITUTION," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1749) recommending that S.C.R. No. 124, SD 2, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 124, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONVENING OF TASK FORCES TO DEVELOP COMMUNITY BENEFITS PACKAGES FOR THE NEIGHBORHOODS LOCATED NEAREST TO LANDFILLS," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1750) recommending that S.C.R. No. 2, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 2, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

H.B. No. 49, HD 1, (SD 1)
H.B. No. 320, HD 2, (SD 1)
H.B. No. 397, HD 2, (SD 2)
H.B. No. 915, HD 2, (SD 2)
H.B. No. 1093, HD 1, (SD 2)

The Chair addressed the Clerk who announced that the record of votes for the appropriate measures had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measures to the Floor.

H.B. No. 49, HD 1, SD 1:

Representative B. Oshiro moved that H.B. No. 49, HD 1, SD 1, pass Final Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Takai
Rep. Wooley

TO BE INSERTED: Rep. Takai
Rep. Wooley
(Submit by Thursday, April 28)

The motion was put to vote by the Chair and carried, and H.B. No. 49, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARMED FORCES SERVICE MEMBERS," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

H.B. No. 320, HD 2, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 320, HD 2, on the following showing of Ayes and Noes:

Ayes, 4 (Herkes, Keith-Agaran, Cabanilla and Marumoto). Noes, none. Excused, 1 (Souki).

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 320, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BROKER PRICE OPINIONS," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

H.B. No. 397, HD 2, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 397, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

H.B. No. 915, HD 2, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 915, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

H.B. No. 1093, HD 1, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part

of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1093, HD 1, on the following showing of Ayes and Noes:

Ayes, 4 (Souki, Rhoads, Cabanilla and Johanson). Noes, none. Excused, 3 (Ito, Luke and Tsuji).

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1093, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

At 12:12 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 49, HD 1, SD 1
H.B. No. 320, HD 2, SD 1
H.B. No. 397, HD 2, SD 2
H.B. No. 915, HD 2, SD 2
H.B. No. 1093, HD 1, SD 2

SUSPENSION OF RULES

REMARKS DELIVERED: Vice Speaker Manahan

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

H.B. No. 299, HD 1, (SD 1)
H.B. No. 519, HD 1, (SD 2)

ANNOUNCEMENTS

REMARKS DELIVERED: Rep. Ichiyama
Vice Speaker Manahan

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
575, HD1, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
848, HD2, SD1	Committee on Finance
<u>H.R.</u> <u>No.</u>	<u>Re-referred to:</u>

170 Committee on Higher Education

S.B. No. 1394, Discharged Representative Cabanilla
SD 1, HD 1 Added Representative Har as Co-Chair.

**S.B.
No. Re-referred to:**

1107, Committee on Finance
SD1,
HD2

House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2011, and gives notice of intent to agree to the following House Bills:

H.B. No. 299, HD 1, SD 1
H.B. No. 519, HD 1, SD 2

ADJOURNMENT

At 12:15 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 25, 2011. (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

HOUSE COMMUNICATIONS

House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 575, Rhoads/M. Oshiro, Co-Chrs.;
HD 1, SD 2 Cullen, Hashem, Jordan, Ichiyama, Kawakami,
Morikawa, Marumoto, Ward

H.B. No. 848, M. Oshiro, Chr.;
HD 2, SD 1 Chong, Choy, M. Lee, Marumoto

House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 1107, M. Oshiro, Chr.;
SD 1, HD 2 Chong, Choy, M. Lee, Marumoto

House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 70, Discharged Representative Cabanilla
HD 2, SD 1 Added Representative Kawakami as Co-Chair.

H.B. No. 519, Discharged all conferees.
HD 1, SD 2

H.B. No. 960, Discharged Representative Cabanilla
HD 1, SD 2 Added Representative Jordan as Co-Chair.

S.B. No. 181, Representative Chong replaced Representative
SD 1, HD 1 Cabanilla as Co-Chair.

S.B. No. 900, Discharged Representative Cabanilla
SD 2, HD 2 Added Representative Kawakami as Co-Chair.

S.B. No. 903, Discharged Representative Cabanilla
SD 1, HD 1 Added Representative Jordan as Co-Chair.

S.B. No. 912, Discharged Representative Cabanilla
SD 2, HD 1 Added Representative Kawakami as Co-Chair.

H.B. No. 49, HD 1, SD 1
H.B. No. 320, HD 2, SD 1
H.B. No. 397, HD 2, SD 2
H.B. No. 915, HD 2, SD 2
H.B. No. 1093, HD 1, SD 2

House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

S.B. No. 98, SD 2, HD 1, CD 1